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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/583,346
Filing Date: May 31, 2000
Appellant(s): DUTTA, RABINDRANATH

Andrew J. Dillon
For Appellant

Supplemental

EXAMINER'S ANSWER

This is in response to the supplemental appeal brief filed 5/28/2008 appealing from the Office action mailed 3/29/2006.

(1) *Real Party in Interest*

A statement identifying by name the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) *Status of Claims*

Examiner agrees with the statement of the status of claims contained in the brief.

Claims 1-27 were originally presented. In a Preliminary Amendment filed March 5, 2001, Claims 20-27 were amended. In Amendment A filed on March 3, 2003, Claims 1, 9-10, 13, 18-19, 22 and 27 were cancelled, Claims 2-8, 11, 12, 14-17, 20, 21, and 23-26 were amended, and Claims 28-30 were newly submitted. The rejection of Claims 2-8, 11, 12, 14-17, 20, 21, 23-26 and 28-30 is appealed.

(4) *Status of Amendments After Final*

No amendment after final has been filed.

(5) *Summary of Claimed Subject Matter*

The summary of claimed subject matter contained in the brief is correct.

(6) *Grounds of Rejection to be Reviewed on Appeal*

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) *Claims Appendix*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6161140

Moriya

12-2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims, 2-8, 11-12, 14-17, 20, 21, 23-26 and 28-30 rejected under 35 U.S.C. 103(a) as being unpatentable over Moriya US 6,161,140 with filing date of Sep. 30, 1997.

1. Claim 28,

As per claim 28, "A method for displaying data on a portable device having a display that is significantly larger in a first dimension than in a second dimension" Moriya in fig. 4 illustrates PDA3 with display size of 400x200. "method comprising the steps of: receiving a data page in the portable device; analyzing the data page" Moriya in col. 1 lines 56-67 teaches the data terminal includes code storing means for storing a code indicating the capability of the data terminal, and code transfer means for transferring the code stored in the code storing means to the network. The central facility advantageously includes code-receiving means for receiving the code which is transferred from the data terminal through the network, discrimination means for discriminating the code received by the code receiving means and for detecting the capabilities of each data terminal, and information transfer means for transferring information to the data terminal in a manner appropriate to the terminal's capability. "automatically displaying the data page in either a first orientation or a second orientation within the display in response to the analysis of the data page" Moriya in fig. 15 box 12 illustrates the code transfer section 12 automatically prepares the model code. Examiner's interpretation: the slightest difference between the Appellant's claim invention and Moriya's invention is as follows: in claim

invention, e.g. claim 30 first line, claims “within a portable data processing device” that means the code transfer section is done within the portable device, that causes slower device and requires high capacity of storage area, and the user does not have to provide any type of registration form to central facility for that particular portable device. The reference Moriya covers a portable device with the rectangular display, the type of portable device is registered with central facility, and the central facility does the analysis of data page. The advantages of Moriya over Appellant’s claim invention are: Faster response, longer life of battery, and less weight. The reference teachings can be modified in order to meet the claims. The modification would have been obvious to one of ordinary skill in the art at the time the invention was made, because the person having ordinary skill in the art would have been taken the data modification section in fig. 1 of Moriya and place it or install it within the PDA device in fig. 2, knowing to add more memory, stronger battery and dealing with a slower device. The only advantage is as follows: the PDA’s user can freely travel to different regions (e.g. foreign countries), which do not provide the code transfer option. However the PDA works with standard services and user can use the data modification section in fig. 1 of Moriya that installed in the PDA whether the region provides the service or not.

Note: Claim 28 does not claim explicitly, where does the analysis of the data page happen? Does it happen before or after receiving the data page?

Examiner attempts not only to find a suggestion within the reference, but also tries to narrow down the broad limitations in the claim invention, e.g., the last paragraph in claim 28 claims: “automatically displaying the data page ...in response to the analysis of the data page.” Examiner’s comments: with reference to fig. 12, step S63 of the reference illustrates that the

document 1 has been analyzed according to their model code for a PC, and a PDA. Obviously, the PDA's display is much smaller than the PC's display, the model code analyzes the image or text data before sending them to PDAs or PCs, see fig. 13 steps S73-S75. The model code in fig. 15 box 25 analyzes the type of the portable device 1A by communicating with code transfer section box 12 via a network box NW, and the data modification section box 236 receives data from box 25 i.e. illustrated in fig. 17, and transfer them to the portable device via network NW. The reference at col. 9 teaches in a clear manner that a data terminal 1A includes a code transfer section 12 which may include a part of a program, which enables the data terminal 1A to communicate with a central facility 2A and a part of the hardware of the data terminal 1A. The model code includes a discrimination header code and function codes which indicate capabilities of the display, display size, code scheme, communication protocols, still image formats and memory capacity. The code transfer section 12 automatically prepares the model code based on an input data by the user.

2. Claim 2,

As per claim 2, "wherein the data page is received over a wireless connection", Moriya in fig. 2 shows specific different types of data terminal and central facility connected to the network system shown in fig. 1. A personal digital phone 10a, a PDA 10b and a PC 10c in fig. 2 are the data terminal 1 in fig. 1.

3. Claim 3,

As per claim 3, "wherein the second orientation is a ninety-degree rotation of the first orientation", Appellant on page 7 lines 1-7 discloses that the user is provided with a mechanism to choose the display mode. This mechanism can be implemented by an actual button on the

telephone, or by a touch-sensitive selection "button" on the display itself. As the user repeatedly activates the mechanism, the display will flip back-and-forth between the two display modes.

Examiner's comments: e.g. if the display size is 400x200 and the code for this display has been stored in the central facility, then obviously the data page displayed according to the display size (i.e. landscape or portrait orientations). The display size never changes. Moriya in fig. 2 illustrates a cell phone 10a a PDA 10b and a PC 10c. They represent displays with different orientations. Another example: PDA in fig. 2 of Moriya receives a data page from NW (i.e. NW contains the size of the PDA display 400x200), to make it clearer, the data page from Appellant's fig. 2, will be formatted automatically using NW to display as 400x200 orientation, and the same for the cell phone display.

4. Claim 4,

As per claim 4, "wherein the device comprises a display that is significantly larger in a first dimension than in a second direction orthogonal to the first dimension", PDA in fig. 2 of Moriya receives a data page from NW (i.e. NW contains the size of the PDA display 400x200).

5. Claim 5,

As per claim 5, "wherein the data page is redisplayed in response to a user input", Moriya in fig. 15 illustrates the code transfer section 12 automatically prepares the model code based on an input data by the user.

6. Claim 6,

As per claim 6, "wherein the data page is redisplayed after a preset duration", the step of the preset duration is obvious because there must be an interval of time between two different events. Otherwise, Appellant can specify the amount of the preset duration.

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7. Claim 7,

As per claim 7, “wherein the portable device is a wireless telephone”, Moriya in fig. 2 shows specific different types of data terminal and central facility connected to the network system shown in fig. 1. A personal digital phone 10a, a PDA 10b and a PC 10c in fig. 2 are the data terminal 1 in fig. 1.

8. Claim 8,

As per claim 8, “wherein the portable device is a personal digital assistant”, Moriya in fig. 2 shows specific different types of data terminal and central facility connected to the network system shown in fig. 1. A personal digital phone 10a, a PDA 10b and a PC 10c in fig. 2 are the data terminal 1 in fig. 1.

9. Claim 29,

As per claim 29, “The portable data processing system having a processor, write able memory and a display which is significantly larger in a first dimension than in a second dimension, said portable data, processing systems comprising: means for receiving a data page in the portable data processing system; means for analyzing the data page; means for automatically displaying the data page in either a first orientation or a second orientation within the display in response to the analysis of the data page.”, See rejection of claim 28.

10. Claim 11,

As per claim 11, “ wherein the data page is received over a wireless connection”, Moriya in fig. 2 shows specific different types of data terminal and central facility connected to the network system shown in fig. 1. A personal digital phone 10a, a PDA 10b and a PC 10c in fig. 2 are the data terminal 1 in fig. 1.

11. Claim 12

As per claim 12, see rejection of claim 3.

12. Claim 14,

As per claim 14, “wherein the data page is redisplayed in response to a user input”, See rejection of claim 5.

13. Claim 15,

As per claim 15, “wherein the data page is redisplayed after a preset duration”, see rejection of claim 6.

14. Claim 16,

As per claim 16, “wherein the portable data processing system is a wireless telephone”, See rejection of claim 7.

15. Claim 17,

As per claim 17, “wherein the portable data processing system is a personal digital assistant”, See rejection of claim 8.

16. Claim 30,

As per claim 30, “A computer program product for use within a portable data processing device having a display that is significantly larger in a first dimension than in a second dimension, said computer program product comprising: media readable by the portable data processing device; instructions embodied within the media for receiving a data page within the portable data processing device; instructions embodied within the media for analyzing the data page; and instructions embodied within the media for automatically displaying the data page in either a first

orientation or a second orientation within the display in response to the analysis of the data page”, See rejection of claim 28.

17. Claim 20,

As per claim 20, “wherein the data page is received over a wireless connection”, See rejection of claim 7.

18. Claim 21.

As per claim 21, see rejection of claim 3.

19. Claim 23,

As per claim 23, “wherein the data page is redisplayed in response to a user input”, See rejection of claim 5.

20. Claim 24,

As per claim 24, “wherein the data page is redisplay after a preset duration”, see rejection of claim 6.

21. Claim 25,

As per claim 25, “wherein the portable device is a wireless telephone”, See rejection of claim 2.

22. Claim 26,

As per claim 26, “wherein the portable device is a personal digital assistant”, See rejection of claim 8.

(10) Response to Argument

The broadest independent claim is claim 28 in this application.

Appellant on page 4 under subject of “ARGUMENT” argues “the Examiner has impermissibly broadened the actual teaching of Moriya in an attempt to find a suggestion within

that reference for the automatic display of a data page". And further Appellant argues the mentioned reference cited in fig. 15, box 12 which illustrates a "code transfer section" which the Examiner believes "automatically prepares the model code."

Examiner's reply: The independent claim 28 claims at the preamble "a portable device" such as Personal Digital Assistants (PDAs) and mobile telephones to communicate over the internet, see the specification on page 1, lines 19-20.

Appellant on page 4 at third paragraph argues a user of the terminal 1A inputs the model code, and therefore the code transfer section 12 cannot automatically display the data page.

Examiner's reply: claim 28 at line 3 recites "receiving a data page in the portable device", and the specification page 7, line 17 discloses that the user first requests a web page. This is similar to what the reference Moriya illustrates in fig. 15, section 12. That the terminal 1A first communicates with the central facility 2A, then the terminal 1A receives the data from box 236 at central facility shown by an arrow in fig. 15. Moriya in fig. 16 shows the model code, which is prepared by the code transfer section 12. The model code includes a discrimination header code and function codes which indicate capabilities of the display, display size, code scheme, communication protocols, still image formats and memory capacity. The code transfer section 12 automatically prepares the model code based on an input data by the user.

Appellant on the same page argues the code transfer section does not analyze a data page automatically to determine the orientation.

Examiner's reply: it is noted that the features upon that applicant relies (i.e., where the analysis of the data page happen?) are not recited in the rejected claim 28. Although the claim is interpreted in light of the specification, limitations from the specification are not read into the

claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Claim 28 does not recite, the step “analyzing” occurs in the portable device. Therefore, as Moriya discloses analyzing the data page at steps 25 and 236 in fig. 15, Moriya teaches this limitation.

The claim recites, “analyzing the data page”. Moriya in fig. 1 illustrates at section 22 detects an unregistered code, the code setting section 24 performs an operation for assigning the specific model code to the data terminal 1, see the bi-directional arrow. The last part of the claim recites “automatically displaying the data page in either a first orientation or a second orientation within the display in response to the analysis of the data page”. Moriya in fig. 1 section 232 illustrates automatically the data modification in respect to code setting display in one of the portable devices that is shown in fig. 2. Examiner’s interpretation: The data page in fig. 2 portable device 10c displays in a first orientation or in portable devices 10b and 10a display in a second orientation. Moriya in fig. 4 clearly teaches different types of model code i.e. PDA1, PDA2, PDA3, and PC1, which are equipped with different display sizes, e.g. 400x200 that means the first dimension is larger than the second dimension.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner’s answer.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

J. Amiri



Conferees:

Ulka Chauhan



Mark Zimmerman

